

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
JENNY HEADLEY, R.N.	:	
License # 26NR10333100	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jenny Headley ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, whose nursing license expired on May 31, 2013.
2. On or about February 12, 2015, a letter of inquiry issued on behalf of the Board, seeking information and documents relating to a medical malpractice case in which there had been

allegations against her and a judgment was paid, as well as seeking other information and documentation, in the form of certificates of completion for continuing education completed for the June 1, 2009 - May 31, 2011 licensing cycle.

3. The letter of inquiry was sent to Respondent's address of record with the Board by certified and regular mail. However, the letter was erroneously addressed to house number 1400. The certified mailing was returned as "not deliverable as addressed; unable to forward." The regular mailing was returned, marked "no such number; unable to forward."

4. When the typographical error regarding the house number was realized on or about March 3, 2015, a second, duplicate letter of inquiry issued by certified and regular mail to Respondent's address of record with the correct house number as Respondent had provided the Board -- 1140. The certified mailing was returned as "not deliverable as addressed; unable to forward." The regular mailing was also returned with the same notation.

5. On or about June 12, 2015, a second request letter issued on behalf of the Board, attaching the previous letter of inquiry, and providing Respondent with additional time to respond. The June 12, 2015 letter was sent to Respondent's address of record with the Board (house number 1140) by

certified and regular mail. Both mailings were returned with the notation "not deliverable as address; unable to forward."

6. Respondent failed to reply to any of the letters.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3, and failure to provide the Board with a valid address in violation of N.J.A.C. 13:37-5.7, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a disciplinary suspension and a five hundred dollar (\$500) civil penalty was entered on December 3, 2015. Copies were served upon Respondent via regular and certified mail to the address of record that Respondent had provided to the Board - a Franklin, New Jersey address with house number 1140. Additional investigation was undertaken to find another address for Respondent and copies of the Provisional Order were also mailed to an address in Hampstead, North Carolina, via regular and certified mail. The Provisional Orders mailed to the address of record in New Jersey as provided by Respondent were both returned with the notation "not deliverable as addressed; unable to forward." The

Provisional Orders mailed to the North Carolina address as obtained by the Attorney General's investigation was delivered and the certified mail receipt was signed by Respondent on December 15, 2015.

The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing the information requested concerning the medical malpractice action. Respondent acknowledged that she had never provided her new address to the Board when she moved from New Jersey to North Carolina and allowed her New Jersey license to expire as of May 31, 2013.

Any professional or occupational license not renewed within thirty days of its expiration date shall be suspended without a hearing pursuant to N.J.S.A. 45:1-7.1(b). As such, Respondent's license was automatically and administratively suspended, without a hearing, on July 1, 2013.

The Board reviewed Respondent's submissions and determined

that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided the information originally requested, the Board determined that a disciplinary suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, and failure to provide the Board with her change of address, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty.

ACCORDINGLY, IT IS on this 2nd day of June, 2016,
ORDERED that:

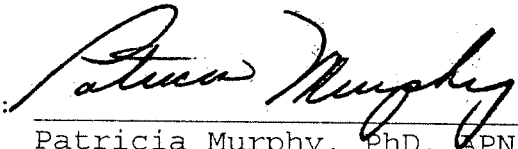
1. Respondent's license to practice nursing was administratively suspended, without a hearing, on July 1, 2013 and shall remain administratively suspended unless and until Respondent applies for reinstatement and the Board grants reinstatement. Respondent's license is not disciplinarily suspended.

2. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for Respondent's failure to cooperate with a Board investigation and failure to provide an updated address. Payment shall be made by certified check, bank cashier

check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The Board reserves the right to initiate disciplinary proceedings based upon the information that Respondent provided in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President